

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26476 of 2006

Dated:02.02.2007

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Between:

- Ambati Marianandamma and another.

...Petitioners

and

The State of A.P., Rep.by District Collector,
And another.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26476 of 2006

ORDER:

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The husband of the first petitioner purchased land admeasuring Acs.2.38 cents in Survey No.18/B1 and Acs.2.38 cents in Survey No.18/B2 of Ganganapalli Village of Pendlimarri Mandal in Kadapa District. Similarly, the second petitioner purchased land admeasuring Acs.2.42 cents in Survey No.1493/1 and Acs.2.42 cents in Survey No.1493/2 in the same Village. After purchase of the land, they are allegedly in possession and enjoyment of the same. The petitioners allege that in the first week of December 2006 the second respondent i.e., the Mandal Revenue Officer, visited the land and made enquires. Later, he gave instructions to his subordinate staff to put up boards and hoardings near the land that it belongs to the Government. On 06.12.2006, the Station House Officer, P.S.Pendlimarri, took two workers into custody informing that the Mandal Revenue Officer advised him to do so. Therefore, the petitioners filed the present Writ Petition seeking a writ of mandamus declaring the action of the respondents in interfering with their possession as illegal and arbitrary.

At the stage of admission itself, the Mandal Revenue Officer filed a counter affidavit. It is stated that the land in

Survey No.18/B2 admeasuring Acs.2.39 cents was assigned to P.Lazer, S/o.Swami Dasu, that the land admeasuring Acs.2.42 cents in Survey No.1493/1 was assigned to Billa Nathanial, S/o.Amrutham, and that the land to an extent of Acs.4.84 cents was assigned to Putta Satyanarayana, S/o.Venkataramana, in 1976. As these assignees violated the conditions of assignment and sold the land, the same was resumed by proceedings dated 21.04.1984 after issuing notice to these assignees and also to other sixty three persons. A board was erected in Survey No.1493/1 informing the public that it is a Government land, and that on 09.10.2006 the Station House Officer, P.S.Pendlimarri, was also addressed to protect the Government land. The allegation that the respondents tried to interfere with the petitioners' possession is also denied, and it is further stated that necessary proceedings will be initiated for resumption of the land from the petitioners.

Though the counter affidavit is filed on 24.01.2007, no reply affidavit denying the counter averments is filed. Learned Counsel for the petitioners submits that the counter affidavit does not dispute the possession of the petitioners, and therefore, without due process of law they cannot be dispossessed.

There cannot be any dispute that even if a person is in possession of the Government land, such person can be dispossessed by issuing a notice to him informing the reasons for resumption of the land. As the respondents categorically state in the counter affidavit that action is being initiated, this Court holds that the Writ Petition is filed on a mere apprehension.

The Writ Petition is therefore, dismissed with the above observations. No costs.

(V.V.S.RAO, J)

02.02.2007
vs